Kansas Department of Agriculture Division of Water Resources

CHANGE: PD WORKSHEET

1. File Number: 14550	2. Status Change Date: 923-2020	3. Change Num:	4. Field Office: 04	5. GMD:
6. Status: Approved Denie	d by DWR/GMD ⊠ <u>Dism</u>	niss by Request/Fa	ilure to Return	7. Filing Date of Change: 04-JUN-2020
8a. Applicant(s) New to system □ LOVE AG COMPANY ATTN GREGORY LOVE 24506 ROAD 12 MONTEZUMA KS 67862	Person ID 41565 Add Seq# 1	8c. Landown New to sy		Person IDAdd Seq#
		8d. Landown New to sy		Person IDAdd Seq#
8b. Landowner(s) New to system LOVE AG COMPANY ATTN GREGORY LOVE 24506 ROAD 12 MONTEZUMA KS 67862 Ownership change	Person ID 41565 Add Seq# _1	ATTN (24506	AG COMPAN GREGORY L ROAD 12 EZUMA KS (OVE
9. Documents and Enclosure(s): D Anti-Reverse Meter Meter Conservation Plan Date Requi	Seal Check Valve	ly: N & P Form ate Approved:	□ N & P Date □ Water Tube	
10. Use Made of Water From:		To:		
			Date Prepared: 9 Date Entered:	/21/20 By: RAK By:

File No.	14550		1	1. Coun	ty: GY	Ва	asin:						Str	ream:				+			Fo	rmation (Code:	Special Use:	
12. Points CHK MOD DEL P		sion				4												and Qu	uantity zed		Α	dditional	os.		
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1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 23, 2020

LOVE AG COMPANY ATTN GREGORY LOVE 24506 ROAD 12 MONTEZUMA KS 67862

RE: Water Right, File No. 14,550

Dear Sir or Madam:

Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismiss Application for Approval to Change the Point of Diversion for File No. 14,550 received on June 4, 2020. The dismissal of the change application is in response to the voluntary request you signed on September 21, 2020 and was received at our office on September 23, 2020.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM:rak enclosures

pc:

Groundwater Management District No. 3

KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESChristopher W. Beightel, Acting Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
POINT OF DIVERSION
WATER RIGHT
FILE NO. 14,550

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on April 2, 1982, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 14,550, for permit to appropriate water for irrigation use.
- 2. That on April 21, 1998, an Application for Approval to Change the Point of Diversion was approved by the Chief Engineer for File No. 14,550.
- 3. That on June 4, 2020, an Application for Approval to Change the Point of Diversion was received in the office of the Chief Engineer for File No. 14,550.
- 4. That by means of a written request dated September 21, 2020, received in the office of the Chief Engineer on September 21, 2020, Gregory Love, on behalf of Love Ag Company, water right owner, requested that the Application for Approval to Change the Point of Diversion, Water Right, File No. 14,550 received on June 4, 2020, described in Finding No. 3 above, be dismissed and its priority forfeited.

<u>ORDER</u>

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion, received on June 4, 2020, under Water Right, File No. 14,550, shall be dismissed.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 14,550 dated April 2, 1982, remains as authorized, as modified and amended by the aforementioned order.

Ordered this 24 day of September, 2020, in Garden City, Finney County, Kansas.

Michael A. Meyer
Water Commissionner
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

) SS

County of Finney

The foregoing instrument was acknowledged before me this 24 day of 3, 2020, by Michael A. Meyer, Water Commissioner Division of Water Resources, Kansas Department of Agriculture.



Notary Public

Right to Petition for Administrative Review - If you are aggrieved by this Order, then pursuant to K.S.A 82a-1901(c), you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777. If no petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 24 day of Diversion, 1020, I hereby certify that the foregoing Dismissal of Application For Approval To Change the Authorized Point of Diversion, File No. 14,550, dated , 2020 was mailed postage prepaid, first class, US mail to the following:

LOVE AG COMPANY ATTN GREGORY LOVE 24506 ROAD 12 MONTEZUMA KS 67862

With photocopies to:

Groundwater Management District No. 3

Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE **Division of Water Resources**

<u>MEMORANDUM</u>

TO: Files

DATE:

September 23, 2020

FROM: Richelle A. Krueger

Michael A. Meyer M

RE:

Water Right

File No. 14,550

On June 4, 2020, Gregory Love, on behalf of Love Ag Company, filed an Application for Approval to Change the Point of Diversion for Water Right, File No. 14,550. In a written request dated September 21, 2020, received in the office of the Chief Engineer on September 23, 2020, the applicant requested that the referenced change application for File No. 14,550 be dismissed and its priority forfeited.

Based upon the above information, it is recommended that the referenced change application be dismissed, and its priority forfeited.

Richelle A. Krueger **Environmental Scientist** Michael A. Meyer Water Commissioner

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF APPLICATON FOR CHANGE

То:	Kansas Department of Agriculture Division of Water Resources (DWR) 1320 Research Park Dr. Manhattan KS 66502 Telephone: (785) 564-6645 agricutlure.ks.gov/dwr	,	Appropriation of Water Right Vested Right Term Permit Check Appropriate Box Abo File No.	
filed of indica	The undersigned owner(s) and/or author or permit, freely and voluntarily request the JUNE 4, 2020, be dismissed and its practing my understanding and agreement that application for change.	at the application iority forfeited.	n to change the By signing this v	place of use waiver, I am
file nu	The signature(s) below represent all presented mber shown above (attach duplicate copie			
applic of Wa assoc	tezuma & 67867	al and terminati s closure reques plication for cha	on of the above it is submitted to nge and forfeit	referenced the Division any priority
	ACKNOWLE	DGMENT		
	f Kansas) of <u>Gray</u>)			
	This instrument was acknowledged before me this	21 day of <u>Se</u>	ptember	, <u>2020</u> by
(Seal)			1 , 221	
		LC Nota	landa Joslat	ther
My app	YOLANDA J. BLATTNER Notary Public – State of Kansas My Appt. Exp. 11 – 14 2020		RECEIVED	DWR Initials

DWR 1-205.9 (Revised 10/24/2008)

Garden City Field Office DIVISION OF WATER RESOURCES

SCANNED

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF APPLICATION FOR CHANGE

o: Kansas Department of Agriculture	Re: Appropriation of Water
Division of Water Resources (DWR)	Water Right ⊠ Vested Right □
1320 Research Park Dr.	Vested Right □
Manhattan KS 66502	Term Permit
Telephone: (785) 564-6645	(Check Appropriate Box Above)
agricutlure.ks.gov/dwr	File No. <u>14550</u>
The undersigned owner(s) and/or auth	orized agent(s) of the above referenced water
	that the application to change the place of use
	priority forfeited. By signing this waiver, I am
	hat I am relinquishing all right, title and interest
in said application for change.	at 1 am reiniquoming an right, the and interest
in cala application for change.	
The signature(s) below represent all no	resent owners (or an authorized agent) for the
file number shown above (attach duplicate cop	
me number shown above (attach duplicate cop	nes of this document as necessary).
The signature(s) below also indicate(s)	a waiver of any right to a hearing or an annual
	a waiver of any right to a hearing or an appeal ssal and termination of the above referenced
	this closure request is submitted to the Division
	application for change and forfeit any priority
associated with it forever.	
1 sold of fore	1510
(Signature of Owner or Authorized Agent)	(Signature of Spouse or Title of Authorized Agent)
	(tel grante or operate of hadronized Agent)
TRYONY L. LOVE	
(Please print name here)	(Please print name here)
24506 1301	
(Malling Address)	(Mailing Address)
Whater 1 67867	
(City, State, Zip)	(City, State, Zip)
경우 맛이 집안하다고 있다. 하나 보다 그 수도 그리면 모양했다.	
ACKNOW!	LEDGMENT
State of Kansas County of Gray	속하다 하다다 하다마 그는 하다가 생각하다 하다.
This instrument was acknowledged before me t	this 21 day of September , 2020 by
(owners:) Love AG Co.	
(Seal)	
	RECEIVED Notary Public Plateter
	DECENTED Notary Public
My appointment expires:	MEGELAED Horary , april ,
1 /1-14-2020 YOLANDA J. BLATTNER	050 0 1 000
Notary Public - State of Kansas	SEP 2 1 2020 DWR Initials
My And Eve 11-14-1020	arden City Field Office
	CHARLES AND A DEBT CHARLES

Division of Water Resources

DWR 1-205.9 (Revised 10/24/2008)

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

> Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787

Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. RECEIVED 4:50 Pm File No. ______14550 Garden City Field Office 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Division of Water Resources ☐ Place of Use Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. □ Groundwater Surface water The source of supply is: 2. Name and address of Applicant: Greg Love 24506 Road 12 Montezuma KS 67862 Phone Number: () Email address: Name and address of Water Use Correspondent: VERLE KOEHN 22656 13 RD MONTEZUMA, KS 67867 LOVE AG COMPANY (GREG LOVE) 34506 ROAD 12 MONTEZUMA KC 67862 Phone Number: () 3. The presently authorized place of use is: Owner of Land ---- NAME: ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) SE1/4 SW1/4 TOTAL **ACRES** NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 NE1/4 SW1/4 Sec. Twp. Range AM1/4 4. If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land --- NAME: LOVE HG COMPANY ADDRESS: 24506 ROAD 12 MONTE ZUNA KS (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 SE1/4 TOTAL NE1/4 ACRES SW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 NE1/4 NW1/4 Sec. Twp. Range For Office Use Only: Code _____ Fee \$ 200,00TR # ____ Receipt Date 6-4-20 Check # 6443

		of diversion:			6144	
		Quarter of the				
		, Township				
		County, Kansas, <u>2530</u>				
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		ID No GPS				
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		on: (Complete only if change				
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		, Township				
		County, Kansas, <u>775</u>				
		Proposed Quantity			The state of the s	THE BUILDING
This point is:	Additional V	Well ☐ Geo Center List ot	her water righ	ts that will use this point		MATTER BY
Presently autho	rized point	of diversion:		teritoria de la comoción de la como	ar Singilardig P	
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n		, Township County, Kansas,	feet North	feet West of S	Southeast corne	er of section.
Authorized Rate		Authorized Quantity		Depth of well	(fee	et)
DWR use only:	Computer	Authorized Quantity _	S	feet North	feet We	est)
This point will n	ot be change	ed This point will be change	d as follows:	No change, point better de	scribed with GPS	S as follows:
		on: (Complete only if chang				
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n Proposed Rate _		County, Kansas,	_feet North _	feet West of S Proposed well depth (Southeast corne feet)	er of section.
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a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

feet but within 2,640 feet of the existing point of diversion, attach 13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

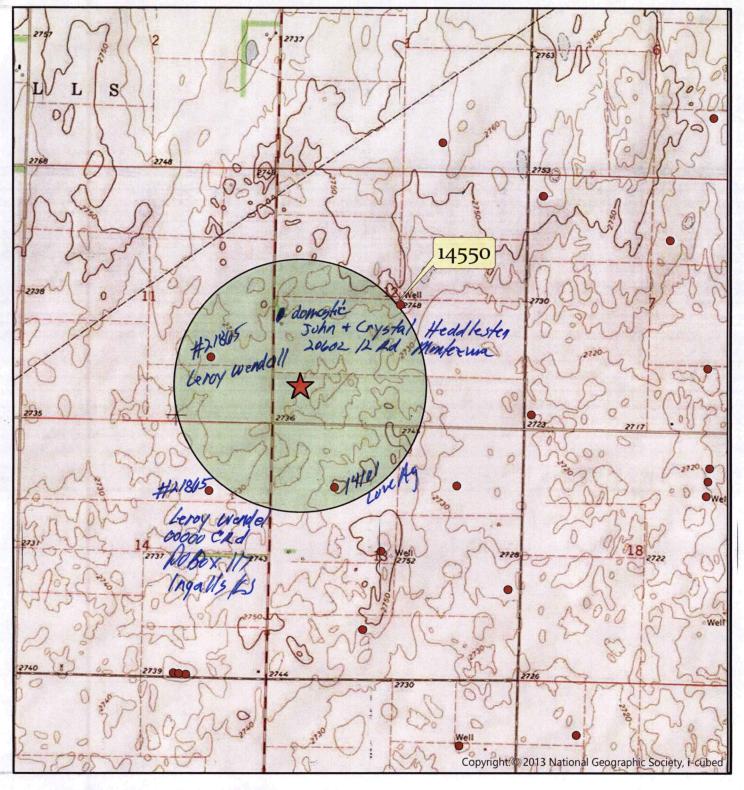
File No. ____14550

14. If the proposed groundwater point of diversion is 300 or fewer feet from	om the existing point of diversion, complete the following	g:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appli	orized place(s) of use identified in this application? cation.)	
(b) Will the ownership interest of any owner of the currently autho affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this app		dversely
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli		
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).		
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appoint and complete.	ized agent of the owner(s) to make this applica	ation on
	4 th day of July E , 20 c	20
Out Adams of States, this		
(Symen)	(Spouse)	
(Please Print)	(Please Print)	
(Owner)	(Spouse)	
(Please Print)	(Please Print)	
(Owner)	(Spouse)	
(Please Print)	(Please Print)	
State of Kansas County of FINNEY SS	(Fledde Film)	
I hereby certify that the foregoing application was signed in of, 20	my presence and sworn to before me this	day
SAN PULL CATHERINE REINER NOTARY PUBLIC STATE OF KANSAS	7 Otherne Perrie	
My Commission Expires	2 Notaly Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the a the appropriate fee must be paid.		
FEE SCHED!	JLE	
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: Kansas Departm	er this section shall be accompanied by the application ent of Agriculture	
 (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	t	

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

	My commission expires:	
	Signature:Notary Public	
For Use by Register of Deeds) SS	
02. Failure to timely request a hearing or review may		
any request with Kansas Department of Agriculture,		
s pursuant to K.S.A. 77-531. Any request for administrative	(Print Name):	
within 15 days of service of this Order and a request for	Duly Authorized Designee of the Chief Engineer	
ineer or request administrative review by the Secretary of		
ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	SUMMARY ORDER ISSUED	
Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY	
water appropriated under the above-referenced file numl limitations, as amended and/or supplemented by this Sur Appropriation Law and the Rules and Regulations promuresult in civil penalties pursuant to K.S.A. 82a-737, as an	ber are responsible for compliance with its terms, conditions and mmary Order, and with applicable provisions of the Kansas Wate ulgated thereunder. Failure to comply with these provisions may neighbed, and/or the suspension or revocation and dismissal of the	r
	A P. 5.5.14, all of the outpers of the outberized place(s) of the	f
check valve(s) shall be installed, operated and maintained	in accordance with K.A.R. 5-3-5c. Applicable Not Applicable	9
All diversion works into which any type of chemical or other	foreign substance will be injected into the water shall be equipped	t
	ired notice.	
authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form prov	e completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the vided by the Chief Engineer, as required by K.A.R. 5-8-4e.	/
December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 K.A.R. 5-3-5e, the owner shall maintain records and report diverted annually to the Chief Engineer by March 1 following	, whichever occurs first. The water flow meter shall be installed through 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of water	Ė
As required by K.A.R. 5-3-5d, if the works for diversion is a vor other device suitable for making water level measureme K.A.R. 5-6-13. Applicable Not Applicable	well with a diversion rate of 100 gallons per minute or more, a tube ents shall be installed, operated and maintained in accordance with	1
The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable N	be located more than feet from the previously lot Applicable	1
Positioning System (GPS), as described in the application	n. Applicable Not Applicable	
previously authorized. The point of diversion authorized by	by this summary order shall be located within a foot	3
On and after the effective date of this summary order, the author the topographic map accompanying the application to characteristics.	athorized place(s) of use shall be located substantially as shown or lange the place of use. Applicable Not Applicable	1
A change application was received on	requesting that the place of use and / or point or ber be changed as described in the application.	f
visions of the Kansas Water Appropriation Law, K.S.A. 82a- n the exception of those conditions expressly contained herein tations of File No	-701 et. seq., and rules and regulations promulgated thereunder in, this Summary Order does not change the terms, conditions and	
	A change application was received on diversion authorized under the above-referenced file number of the authorized under the above-referenced file number of the authorized under the above-referenced file number of the authorized under the above-referenced file number of diversion authorized under the above-referenced file number of diversion authorized under the application to change in point of diversion shall not impair existing rigoreviously authorized. The point of diversion authorized radius of the authorized point(s) of diversion authorized point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable hor diversion authorized point(s) of diversion. Applicable hor device suitable for making water level measurements. A.R. 5-6-13. Applicable hor diversion with Applicable hor diversion and maintained in accordance with K.A.R. 5-13. The owner of the authorized place(s) of use shall properated annually to the Chief Engineer by March 1 follow Applicable hor diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provents for diversion has been completed, on the form provents for diversion has been completed, on the form provents for diversion has been completed and maintained Additional Conditions are attached. Yes No. In accordance with K.S.A. 82a-708a, as amended, and K. A. A. Babaria and the Rules and Regulations prome result in civil penalties pursuant to K.S.A. 82a-737, as are water or appropriated under the above-referenced file num limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations prome result in civil penalties pursuant to K.S.A. 82a-737, as are water or request administrative review by the Secretary of culture. A request for hearing by the Chief Engineer must be livithin 15 days of service of this Order and a request for	A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown or the topographic map accompanying the application to change the place of use. Applicable Not Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a

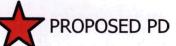
CHANGE IN POINT OF DIVERSION 14550



Township 27 South Range 29 West Gray County

All wells of any kind within a half mile of the proposed point of diversion are shown:

POINT OF DIVERSION



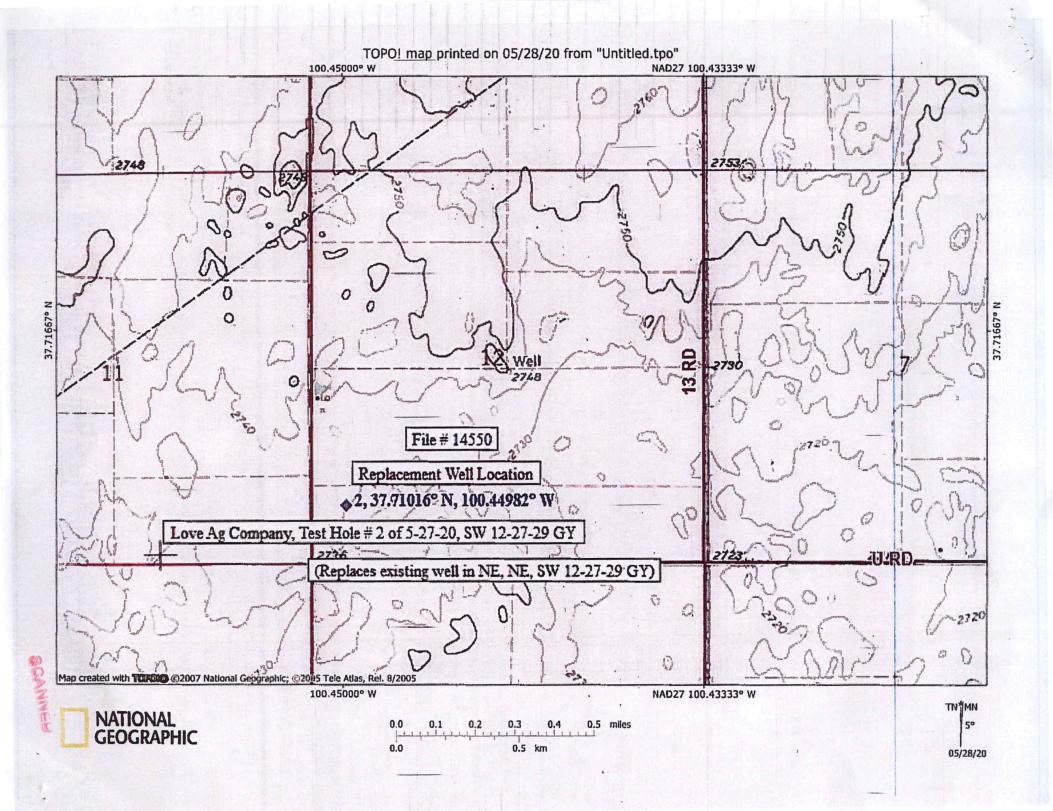


Half-Mile Buffer Created By: AT & SZ GCF

3795 W. Jones Ave. Garden City, KS 67846 PH: 620-277-2389



ustome	ivame.	Love A	C. Lan	O/ I/A	Tool #	FLOCIAL
reet Ad	dress:		24501	ROAD 12	Test#: 2	E LUG: Yes
Customer Name: Love AG Costreet Address: 945 City, State: Manifecture County: Gray Quarter: State Location:		M	ONTE	4MA 185 6786)	Driller: Dale Guin	В
		SW	Section: 12	ownship: 27	Hange: 19	
			u 0. 113	1,11010 W100,7	7/84	
Rig #: 10002				Elevation: 2726' Sta	tic WL: Approx 209"	Estimated?
				Pro	posed Well Depth	3/0
				WELLL	O CATION	20' Sump
		Footage				
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	60	The same of	68	Fine Med Course Sand		
	68		84	Fine Med Course Sand	Small Gravel	
	84		194	Fine Med Course Sand	Small Med Lare	e Gravel
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and America	123	(entherne) _subs	137	Fire Sand & Lime Rock		
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	The second name of the local n	THE R. P. LEWIS CO., LANSING, MICH.	-			



Subject:

File No. 14550

Leroy Wendal called 6-18-2020 called to repeat the same comments that his son Dan did earlier. they do not want wells moving closer to their wells as water is scarce enough. also they are concerned on how Loves irrigate, the see constant waste of water and not good practices.

Mike

Subject:

14550

on todays date John Heddlesten called, domestic well owner north of proposed well under 14550. he has concnern for his future domestic use as well as noise near his house. he said the Loves are irresponsible irrigators. greatly objects to the proposal and wants to be informed of our findings prior to any approval etc. 620-255-6713

Mike



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 5, 2020

GROUNDWATER MANAGEMENT DISTRICT #3 2009 E SPRUCE ST GARDEN CITY KS 67846

Applications for Approval to Change Point of Diversion Water Right, File Nos. 14550, 20063, & 28636

Dear Sir:

At your request, the Chief Engineer has extended, the initial time in which to supply the requested recommendation for the applications for approval to change for the above referenced files.

As requested, we will delay any further action until October 5, 2020. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 8, 2020

JOHN & CRYSTAL HEDDLESTEN 20602 12 RD MONTEZUMA KS 67862

RE:

Water Right, File No. 14550

Dear Sir:

This is to advise you that Love Ag Company has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application. An irrigation well is proposed to be relocated.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM

Pc:

Groundwater Management District No. 3



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 8, 2020

LEROY WENDEL Attn: DANIEL WENDEL PO BOX 117 INGALLS, KS 67853-0117

RE: Water Right, File No. 14550

Dear Sir:

This is to advise you that Love Ag Company has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application. An irrigation well is proposed to be relocated.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM

Pc:

Groundwater Management District No. 3

Subject:

14550

Albu Leray called in.

today (June 15, 2020) I recived a call from Dan Wendal (620335-5654 home, cell 620-339-6401), son of landowner Leroy Wendal. they have nearby wells to this file. they received letters. Dan wanted to make a comment that even though the proposed well meets spacing to their wells, they discourage allowing the redrill. they don't like the way the Love's farm, they waste water, let water run off of the land, several times, pivots operate but not move for days. he wanted to have this phone call documented in writing for comment for the file and appreciates a follow up letter back to them after our analysis and final decision, there is no concnern with the operation of their wells yet (as far as impairment from nearby wells, but wants water for the future. he also does not want Loves to propose any additional wells and to ensure that any well that is moved, that the old well is not equipped to operate.

again, I stressed that we would follow up with a letter after our final review to provide our approval or denial draft process.

Michael A. Meyer, PG
Kansas Department of Agriculture
Division of Water Resources
Garden City Field Office
4532 W Jones Ave, Suite B
Garden City KS 67846
Lat 37.98820, Lon -100.944470
(620)-276-2901
mike.meyer@ks.gov

RECEIVED

JUN 11 2020

Subject:

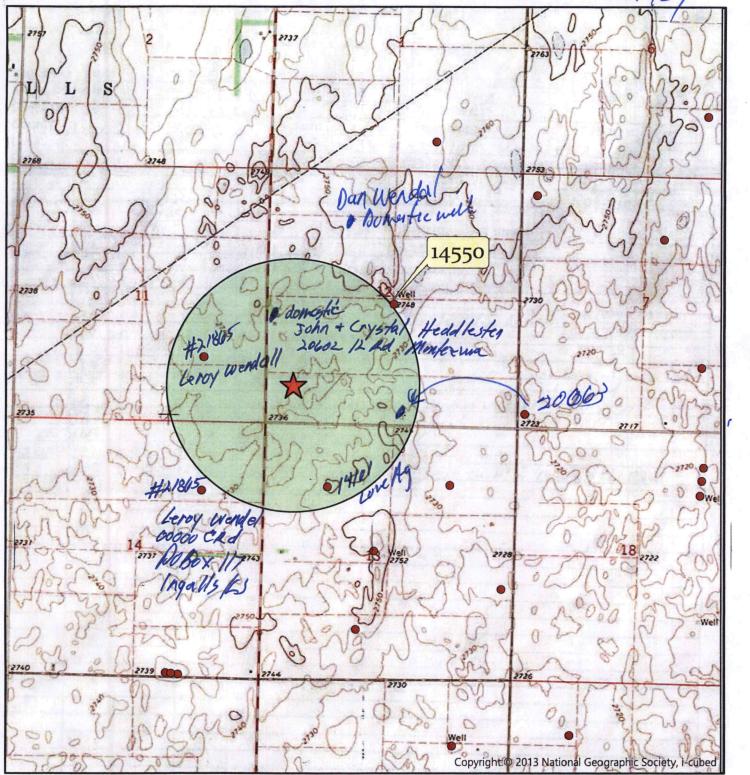
File No. 14550

Linda Wendal called 6-29-2020 to make sure we were aware of a domestic well in the center of NW¼ of Section 12. they own the well and soon their son will be living there with a family. they will need drinking water. she passed along the same comments and concern that her husband Dan did

Mike

CHANGE IN POINT OF DIVERSION 14550

28636 9162-999401 -21439



Township 27 South Range 29 West
Gray County

All wells of any kind within a half mile of the proposed point of diversion are shown:

POINT OF DIVERSION



PROPOSED PD



Half-Mile Buffer Created By: AT & SZ GCF

Evaluation of proposed move for Water Right No 14550

Proposed: Move water right no. 14550 a distance of 2,806 ft to the southwest.



Wells within 1 mile: 21865, 24273, 14101, 19809, 21455, a domestic well in the northwest ¼ of section 12-27-29, a domestic well in the southwest ¼ of section 12-27-29, and a domestic well in section 13-27-29. Note that water right number 20063 is also located within 1 mile, but was not evaluated because this well is owned and operated by the applicant and also has a proposal to be redrilled.

The saturated thickness at the proposed well location is estimated to be 96 ft, based upon the GMD3 model. For saturated thickness between 75 ft and 100 ft, the drawdown allowance is 2.0 ft.

50 year Theis Analysis: The following values were used to run the analysis:

S = 0.1986, T = 4,619.4 ft²/day, $tp_{current} = 94$ days (based upon average use and observed rate), $Q_{current} = 473$ gpm (based upon 2016 field inspection), $tp_{proposed} = 65$ days, $Q_{proposed} = 765$ gpm

Theis drawdowns were calculated as follows:

21865:

Drawdown from current location = 1.70 ft

Drawdown from proposed location = 3.32 ft

Net drawdown = 2.5 ft

24273:

Drawdown from current location = 1.40 ft

Drawdown from proposed location = 2.42 ft

Net drawdown = 1.0 ft

14101:

Drawdown from current location = 1.72 ft

Drawdown from proposed location = 2.83 ft

Net drawdown = 1.1 ft

19809:

Drawdown from current location = 1.74 ft

Drawdown from proposed location = 1.97 ft

Net drawdown = 0.2 ft

21455:

Drawdown from current location = 1.47 ft

Drawdown from proposed location = 1.97 ft

Net drawdown = 0.5 ft

Domestic NW 12-27-29: Drawdown from current location = 2.63 ft

Drawdown from proposed location = 2.37 ft

Net drawdown = -0.3 ft

Domestic SW 12-27-29: Drawdown from current location = 2.26 ft

Drawdown from proposed location = 4.19 ft

Net drawdown = 1.9 ft

Domestic 13-27-29:

Drawdown from current location = 1.34 ft

Drawdown from proposed location = 2.00 ft

Net drawdown = 0.7 ft

Many of these wells will also be impacted by a proposed move of water right number 20063 in this area. The combined effects of both moves are as follows:

21865:

Combined effect = 2.5 ft

24273:

Combined effect = 1.9 ft

14101:

Combined effect = 2.8 ft

19809:

Combined effect = 1.6 ft

Domestic NW 12-27-29: Combined effect = 0.6 ft

Domestic SW 12-27-29: Combined effect = 3.0 ft

Domestic 13-27-29:

Combined effect = 1.5 ft

The well under water right number 14101 is owned and operated by the applicant. The well under water right number 21865 and the domestic well in the southwest ¼ of section 12-27-29 are not. Critical well analysis was performed for those wells and the results are as follows:

Critical Well Anaylsys:

21865:

Water Column = 108 ft

Drawdown due to proposal = 2.5 ft

Drawdown due to existing conditions = 33.3 ft

Dynamic drawdown = 30 ft

Total drawdown = 65.8 ft

Physical Drawdown Constraint (PDC) = 108 ft - 60 ft = 48 ft

Economical Drawdown Constraint (EDC) = 108 ft * 0.4 = 43.2 ft

Both the physical and economical drawdown constraints are exceeded, so this

well is critical.

Domestic SW 12-27-29: Water Column = 96 ft

Drawdown due to proposal = 3.0 ft

Drawdown due to existing conditions = 31.4 ft

Total drawdown = 34.4 ft

Physical Drawdown Constraint (PDC) = 96 ft - 20 ft = 76 ft

Economic Drawdown Constraint (EDC) = 96 ft * 0.4 = 38.4 ft

Neither the PDC or EDC are exceeded, so this well is not critical.

Conclusion:

21865 is a critical well, meaning that it is not likely to remain operable for full irrigation over the next 25 years, or is otherwise likely to be impaired. The combined effects of this proposal and the proposal to move water right number 20063 exceed 2.0 ft, which is the minimum effect due to changes on critical wells allowed under GMD3 criteria. GMD3 recommends limiting the rate at the proposed well location to 425 gpm and the quantity to 195 AF. This will lower the combined effect of both moves to 2.0 ft.



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 6, 2020

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re: Water Right, File Nos. 14550

Dear Mr. Norquest:

This is to advise you that Love Ag Company, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced files. The application is proposing a to move the current authorize point of diversion that meets regulations. I received phone calls from neighboring wells and asked that I document the phone call.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer Water Commissioner

MAM Enclosures

From:

Jason Norquest < norquest@gmd3.org>

Sent:

Wednesday, August 5, 2020 9:00 AM

To:

Meyer, Mike [KDA]

Subject:

Extension: 14550, 20063 & 28636

Follow Up Flag:

Follow up

Flag Status:

Flagged

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning. I would like to request an extension of time for review of the above mentioned change in point of diversion applications. Due to the aquifer conditions and concerns raised by neighboring wells, we need more area specific data to ensure we have the best data possible. We will continue to work with the applicant and your office to move the process forward. At this time, a 60 day extension would seem reasonable. We all will do what we can to expediate the process if possible.

Thank you for you time and cooperation.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289 Office: 620-275-7147

www.gmd3.org

From: Jason Norquest <norquest@gmd3.org>

Sent: Friday, July 24, 2020 4:32 PM

To: Les Heddlesten

Subject: RE: Water Right File No. 14550

Les, sorry it took a while to respond, but I wanted to let you know that we have updated the analysis on our webpage to also show the location of your domestic well. We located as best we could off your map and also had to make the assumption that your well is already drilled to the bottom. Without a log, it was our best estimate.

Please review it and let me know if you have any questions. Again I appreciate you responding to our notice. That is what our intent has been so that the best information is what we go off of and also the best information to present to the public.

Look forward to talking to you soon.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289 Office: 620-275-7147

www.gmd3.org

From: Les Heddlesten < les.heddlesten@nationalbeef.com>

Sent: Thursday, July 16, 2020 10:48 AM
To: Jason Norquest <norquest@gmd3.org>
Subject: RE: Water Right File No. 14550

Thank you for the info.

From: Jason Norquest < norquest@gmd3.org > Sent: Thursday, July 16, 2020 10:37 AM

To: Les Heddlesten < les.heddlesten@nationalbeef.com>

Subject: RE: Water Right File No. 14550

Les, that is a very good and often asked question that we get. Especially with domestic well owners, who often feel they don't have options when they actually do.

A lot of people think domestic wells are not recognized when in fact they are. One route is that domestic wells can be certified, just like irrigation and industrial wells. They would be assigned a water right number and have to follow the same requirements as other certified well. Most of the time though, domestic wells are not certified, since the amount of water a typical domestic well pumps in very small compared to other bigger wells. Even if they are not certified, the do in some aspects have a right. It is a crucial part of a property as far as value goes.

Domestics to matter when we look at change applications also. I have already mentioned that we do the analysis, if we know the wells are there, on domestics just like we do other irrigation wells. We also have minimum spacing requirements on domestic wells, just like other wells. We require at minimum 660' spacing from any domestic well when someone wants to move their certified wells.

Now for you question as far as who you would need to contact. Just as a certified well would, you would need to contact the Division of Water Resources (DWR). They would probably want you to submit the complaint in writing. Once that was excepted, they also would start wanting information about the well that has the complaint. DWR would look into the well construction to see if it might be a problem with the well or if it has the opportunity to be drilled deeper. They are trying to determine if everything has been done to access the water that is available to the owner. The next step would be more studies, if needed, to determine if it is a well-to-well interaction problem or a regional issue. The whole process could take time depending on the situation. I do know that domestic wells have filed complaints in the past.

I hope I answered some of your questions. Again, don't hesitate to contact me anytime.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289 Office: 620-275-7147 www.gmd3.org

From: Les Heddlesten < les.heddlesten@nationalbeef.com >

Sent: Thursday, July 16, 2020 9:38 AM

To: Jason Norquest < norquest@gmd3.org >
Subject: RE: Water Right File No. 14550

10-4. I have not noticed any effects at all really. But the question I have is: Who do I contact if I notice effects when this new well is put in?

From: Jason Norquest <<u>norquest@gmd3.org</u>>

Sent: Thursday, July 16, 2020 9:13 AM

To: Les Heddlesten < les.heddlesten@nationalbeef.com>

Subject: RE: Water Right File No. 14550

Thnks you Les for the photo. We will into putting a well there and see what we can find out. Your well is one of those I spoke about that for some reason the drillers log was not submitted to the state when it was completed. It might have been one that slipped through or it could be old enough that it was drilled prior to the requirement to submit the logs.

Living in the county myself, I know the effects domestics can have when it is irrigation season. Do you currently see any effects when the well to the west or east start up? Do you notice a difference from the spring to the fall with you well?

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289 Office: 620-275-7147 www.gmd3.org

From: Les Heddlesten < les.heddlesten@nationalbeef.com >

Sent: Thursday, July 16, 2020 8:29 AM

To: Jason Norquest < norquest@gmd3.org >
Subject: RE: Water Right File No. 14550

Jason: I have attached a map that shows where my domestic well is. Don't have a copy of drillers log as I have only owned this property since November.

Please let me know if there is something else I can provide.

Thanks John

From: Jason Norquest < norquest@gmd3.org>

Sent: Thursday, July 16, 2020 8:00 AM

To: Les Heddlesten < les.heddlesten@nationalbeef.com >

Subject: RE: Water Right File No. 14550

Good morning John. I appreciate your response. Domestic wells are the hardest to verify in the records since sometimes they are not reported and the logs and locations are not in the state database. I did think though in this case that we had identified your well. Is your well not the blue dot on the map the NW of 12-27-29? If that is not your well, could you give me a better location of where your well is and possibly a copy of the drillers log if available? This is another reason we send out our notices is to make sure we are getting the best information that we can.

When we do the evaluations, a lot of the data comes from our models for some of the values and then also looking at saturated thicknesses in the area. We also look at the drillers log to see if it is close to the values used in the model. As far as the wells being proposed to move, we look at past pumping history and field inspections for rates and then look at the effects at the new location using the authorized rates. This generally gives us a view of what the effects could be if the wells pumped the highest rate it could. From there we can lower or limit the rate to get the effects to the minimal effects.

Please get me your information if possible for us to look at. Again, I greatly appreciate your response. When changes are submitted we want to make sure that all parties that could be effected have a say, not just the applicant.

Look forward to hearing from you soon. Have a good day.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289 Office: 620-275-7147 www.gmd3.org

From: Les Heddlesten < les.heddlesten@nationalbeef.com>

Sent: Thursday, July 16, 2020 7:25 AM

To: Jason Norquest < norquest@gmd3.org > Subject: Water Right File No. 14550

Hello Jason:

I just wanted to shoot you a quick note and respond to the letter I received regarding the application for change in point of diversion for water right 14550.

Your letter says that well evaluations were conducted to estimate possible effects of their proposal. As far as I know, nobody has evaluated my domestic well. So I got onto the website to look at the evaluation. Looking at the map that shows their proposed well relocation, I noticed immediately that my domestic well is not identified on the map. Furthermore, it looks to me like my domestic well would easily be the closest well to their proposed relocation.

Am I missing something here? Seems to me that my well could be substantially effected by this relocation. I don't have a warm and fuzzy feeling about this at all. My well was not evaluated and by looking at your map, doesn't even seem that my domestic well is being considered.

I would appreciate it if you would fill in the blanks for me.

Thanks
John Heddlesten

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